

## Annex 9

**Your Reference:**

**Our Reference: 1R31/name/number ref**

Date

Dear Sir

***Title in bold***

**Latest date to supply hearing date: .....**

**Claimant to file evidence by: .....**

1. Further to my letter dated ....., please find enclosed for your attention a copy of a Preliminary Evaluation.

[Edit letter to highlight any aspects of the Preliminary Evaluation as appropriate]

### **Evidence**

[Explain how evidence rounds are to be conducted – in this example, evidence rounds follow sequentially]

2. The claimant may now file evidence in support of his case. Evidence should be filed within six weeks of the date of this letter and should be copied to the defendant. The evidence should be filed by .....

3. The defendant will then have six weeks to file evidence in support of his case and in response to the claimant's case. The defendant should send a copy of his evidence to the claimant.

4. Finally the claimant will have six weeks to file evidence strictly in reply to the defendant's evidence. The claimant should send a copy of his evidence to the defendant.

## **Expert witnesses**

5. You are asked to note that where both sides appoint expert witnesses to file evidence, the witnesses may need to file a joint statement of agreed and disputed matters.

## **Hearing Date**

6. The hearing in these proceedings has been scheduled for the week commencing (DATE). You should ensure that all your attendees, including counsel, are available for the whole of the week. We will write to you again at an appropriate time during the evidence rounds to confirm the actual days and make the necessary arrangements for the hearing.

7. The scheduled week provides sufficient time to complete the evidence rounds, for the parties to consider any preliminary evaluation issued after the evidence rounds have been completed and for expert witnesses to provide a joint statement of agreed and disputed matters if required.

8. If this particular week is inconvenient for you then please inform us within two weeks of this letter (DATE) so we may make alternative arrangements.

9. If you are unable to agree a date for the hearing, the Office will set a date within the period mentioned above.

10. A period of two weeks from the date of this letter is allowed for you to inform us of the agreed date. Your response should be filed by .....

11. A letter in identical terms has been sent today to the other side.

Yours faithfully

Name  
Litigation Section  
Patents Directorate